CHAPTER 3

INITIATIVES TOWARDS PEACE PROCESS IN THE
POST-KARGIL ERA

3.1 Introduction

This chapter is related to the post-Kargil phase when dialogue and peace process was initiated in J&K to restore democratic process. It explores in detail the external and internal factors that led to changes in the Kashmir policy. It also assesses the changes in policies towards Kashmir at various levels. The J&K Assembly election in 2002 marked a significant point of departure for the state. These elections and their impact on the state politics of J&K have also been discussed and analysed.

The regional as well as communal polarisation in Jammu and Kashmir (J&K) was reflected more sharply in its state politics during the decade of the nineties, especially in the background of militancy and political upsurge. Rekha Chowdhary mentions that the alienation of Kashmiris had the effect of bringing into focus the divergence of political aspirations between Kashmir on the one hand and Jammu and Ladakh on the other. This divergence was politicised in both the regions during 1990-1996 when normal political processes were suspended in the valley. During this period there was intensification of
political deliberations around the regional aspirations in both the areas. The issue of 'regional autonomy' had become the most vocal issue of these regions by 1996.¹

3.2 The Agenda for Autonomy

The State Autonomy Committee (SAC) and Regional Autonomy Committee (RAC) were set up by the Farooq Abdullah government in November 1996 to outline the prospects of greater autonomy for J&K. The State Autonomy Committee outlined a series of constitutional and legislative measures for restoration of the pre-1953 status of the state. It recommended repealing all orders that were not in conformity with the Constitution Order of 1950 and the terms of Delhi Agreement. It gave the following recommendations² –

1) The word 'temporary' should be deleted from the title of part XXI of the Constitution of India and should be substituted by the word 'special'.

2) Matters in the Union List not connected with the three subjects of defence, external affairs and communications that are made applicable should be excluded from their application to the state. Additional subjects of legislation from the Union, State and Concurrent Lists of the Seventh Schedule of the Constitution, which were added after 1950, should be removed.

3) Superintendence direction and control of local elections should be vested in state election commission.

4) Article 352 should be subject to the decision of the state assembly taken within two months of the declaration of emergency. If state assembly does not approve, then the proclamation of emergency shall be deemed to have been revoked. So, the Jammu and Kashmir Assembly will have a final say in case of external aggression or internal emergency.

5) Part of fundamental rights applicable to state should be deleted from the Constitution and a separate chapter on these rights should be included in the Jammu and Kashmir Constitution.

6) With the abolition of Article 136 there will be no special leave to appeal by the Supreme Court in civil and criminal matters from the High Court and All India Services should no longer serve in the state.

7) The state election authorities should conduct the elections to the Legislative Assembly instead of the Election Commission of India under Article 324.

8) The powers of the Union Government to administer scheduled areas and the welfare of the scheduled tribes should revert to the state government.

The entire process of the formation of the State Autonomy Committee and its deliberations was neither inclusive nor participatory because all the members of the Committee belonged to the National Conference only. Although the Committee invited memoranda from individuals, institutions and political parties, it held no formal talks with the active or former militants. There has been little public debate on the report even after its endorsement by the State Cabinet in April 1999, either at the state or national level.³

Writing on these processes, A. C. Bose is of the opinion that, "Farooq Abdullah had lost much of the support with which he was elected a few years ago. He had failed to ensure good governance and to restrain security forces. So, he diverted the attention of the Kashmiri people from their day to day problems towards a confrontation with the centre. State Autonomy Committee demands are an outcome of his present political weaknesses which left him with a few alternatives."

Bhim Singh assumed that the main problem before the state of Jammu and Kashmir was restoration of peace, democracy and rule of law. Autonomy is not the solution of these problems. The people of all the three regions need justice, equity and equal share in power and economic development.

Baren Ray also keeps the same view as he observes that the real points of issue are not whether the head of the State will be called Sadar-e-Riyasat and the head of the government Wazir-e-Azam. What people of Jammu and Kashmir are demanding and have every right to demand is the entire programme of economic, social, educational, cultural, infrastructural and all round development of the state which should be completely in the hands of the elected representatives of the people of the state.

However centre rejected the recommendations of State Autonomy Committee Report and the issue was left open for debate.

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3.3 Regional Autonomy

The Regional Autonomy Committee was constituted in 1996 to promote involvement and participation of people from different ethnic groups for balanced political, economic, educational, social and cultural development. This committee was composed of all NC members except, Balraj Puri. It held the view that the prevailing classification of provinces/divisions is hampering the process of social/human development. So, there is a need for redefining the regions and provinces to achieve the twin objectives of self government and rapid social development. So, it classified the state into 8 new regions/provinces.\(^7\)

1) Kamraz (Baramullah and Kupwara districts)
2) Nunabad (Budgam and Srinagar)
3) Maraz (Anantnag and Pulwama)
4) Chenab Valley (Doda district and tehsil)
5) Jammu (Jammu, Kathua and Udhampur excluding tehsil Mahore)
6) Pir Panchal (Poonch and Rajouri districts)
7) Ladakh (Leh district)
8) Kargil (Kargil district)

The Regional Autonomy Committee like the State Autonomy Committee lacked the representative character as all its members belonged to the National Conference. Its working chairman Balraj Puri was an exception, but he was later removed on January 7, 1999.

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Moreover, the representatives of the minorities like Kashmiri Pandits, Gujjars, Dogras and Shia Muslims did not figure on the panel of the committee.  

The report also failed to provide a logical rationale for restructuring the state into eight provinces. In accordance with this restructuring, Jammu gets divided into three regions and Ladakh into two regions. This division is based more or less on communal lines. For instance in Ladakh, the division takes place between the Buddhists of Leh and the Muslims of Kargil. Similarly in Jammu the Hindu dominated districts are separated from the Muslim dominated area of Doda and Poonch-Rajouri. In fact a part of the Muslim dominated area (Mahore tehsil) is carved out of the rest of the Hindu dominated districts to fit in the QAMuslim dominated area of Doda.

The communal polarisation within the state is further accentuated through this discourse. Such communal response could endanger the plural reality of the state and can have serious implications for the regions of Jammu and Ladakh.

The Regional Autonomy Committee Report did not offer any convincing explanation for why development could not be achieved within the existing district and regional boundaries. Moreover there was no serious discussion on how the creation of new provinces would help in development and how the proposed district councils will be affected from the existing district development councils. There was no clarity in the report about the division of powers between the state legislature and the provincial

10 Ibid.
councils. The status of Panchayati Raj institutions and district development councils was not made clear.\footnote{Swami, Praveen (1999), "Towards Greater Autonomy", \textit{Frontline}, July 30: 39.}

The Regional Autonomy Committee was designed to serve the narrow political ends of the ruling elites and the larger political interests of the majority community. Its recommendations suggested that the meaningful democratic change was the last thing on the National Conference’s mind.\footnote{Ibid.} In fact, people seemed to be indifferent to the whole debate of autonomy. One of the reasons for such indifference was the poor performance of National Conference in the valley. Moreover people are not fully aware of State and Regional Autonomy Committee Reports. Ordinary people are concerned with good governance rather than any autonomy issue.\footnote{A first hand sample survey of 100 people was conducted in Jammu during my research from 3\textsuperscript{rd} July 2002 to 6\textsuperscript{th} July 2002. People gave a very vague response about the awareness of the SAC and the RAC reports. In fact, people clearly mentioned that they are only concerned with the performance of the government rather than any kind of autonomy demand. For them successive state governments have failed to deliver the basic necessities to ordinary people. Most of them blamed the Central Government more than the State Government for the discontent prevailing in the state.} Many scholars are of the view that the main problem before Jammu and Kashmir lies not in unbridled autonomy but in the devolution of powers. Ved Bhasin remarks, “There is no use of granting more powers to the state because it is not going to solve the crisis of Kashmir. Autonomy is flowing from the top to the bottom, but it should flow from the bottom to the top.”\footnote{Interview with Ved Bhasin, Editor of Kashmir Times in July 2002.}

The state needs a multi layered package of autonomy that extends beyond the state to the regional and the sub-regional levels. Power should flow towards the grass root level otherwise divisive tendencies will grow. In fact, free elections, democratic decentralization and wider autonomy of Jammu and Kashmir within India can prove fruitful. Balraj Puri has suggested that an elected regional authority can be created with
executive and legislative powers along with the power to impose taxes at the regional level. For economic autonomy, he has proposed power to the decentralized institutions to utilize resources and to decide priorities and equitable formula for the devolution of funds.\textsuperscript{15}

In the post 1996 period a number of groups and organizations had mushroomed in Jammu, which had been raising the demand of trifurcation of the state. Most of the groups voicing this demand were linked to the Hindu rightist forces. The RSS has not only supported this demand but also launched an organization, the Jammu and Kashmir Nationalist Front (JKNF), to mobilize public support for a separate state. Meanwhile, the leadership of Kashmiri Hindus, who have been forced to migrate from the valley, have also raised the demand for a separate homeland in the north of Kashmir. This homeland is to be inhabited only by the Kashmiri Hindus.\textsuperscript{16}

On the whole the regional and sub-regional politics of both Jammu and Ladakh regions had accentuated the already existing communal polarisation within the state. A very sharp communal divide was distinctly visible in Ladakh where the political responses are marked either as the ‘Buddhists’ or the ‘Muslim’ ones. The demand for the union status of Ladakh, is not the demand of all the Ladakhis but only of the Ladakhi Buddhists.\textsuperscript{17}

This kind of divisive politics has the danger of attacking the root of secular politics of the state. Division of state on communal basis is supported by not only Hindu-

\textsuperscript{15} Balraj Puri was the Chairman of the Regional Autonomy Committee of the state in 1999. Later he was removed from this committee. He presented his independent report on regional autonomy which focused on strengthening the existing institutions at the panchayat, block and district levels. He recommended the Leh pattern of district autonomy for all the districts. He also recommended a series of measures for the promotion of the culture and local languages of different ethnic groups.


\textsuperscript{17} Ibid.
minded political leaders of Jammu or the Buddhist leaders of Ladakh, but also by many a Kashmiri. Within the Kashmir movement itself, many voices are raised in favour of division of the state on religious basis. This seems to be the simplest answer to the complex realities of a plural state and society of Jammu and Kashmir for many leaders. For RSS, division of the state is necessary to provide justice to Jammu and Ladakh. It would save them from the miseries of militancy and other problems can also be solved effectively. Even Kashmiri fundamentalist political organizations, like the Jamaat and others also support to disjoin Hindu dominated areas from the valley for the solution of Kashmir problem.\textsuperscript{18}

To this extent there seems to be a convergence between the right wing muslim leadership of Kashmir and the right wing hindu leaders of Jammu.

3.4 \textbf{The Lahore Declaration}

The former Indian Prime Minister, Mr. Atal Bihari Vajpayee and the former Pakistani Prime Minister, Mr. Nawaz Sharif signed the Lahore Declaration on February 21, 1999. They agreed to intensify all efforts to resolve all issues, including the issue of Jammu and Kashmir. According to the declaration both governments shall refrain from intervention and interference in each other's internal affairs. There shall be a composite and integrated dialogue process for an early and positive outcome of the agreed bilateral agenda.\textsuperscript{19}

According to the Declaration both governments shall take immediate steps for reducing the risk of accidental or unauthorised use of nuclear weapons. They shall

\textsuperscript{18} Ibid.  
\textsuperscript{19} The Lahore Declaration, February 21, 1999.
discuss concepts and doctrines for confidence building in the nuclear and conventional fields to prevent conflict.

Both governments reaffirmed their commitment to the goals and objectives of the South Asian Association for Regional Cooperation (henceforth SAARC) and agreed to concert their efforts towards the realisation of the SAARC vision for the year 2000 and beyond to promote the welfare of the people of South Asia. They reaffirmed their condemnation of terrorism in all its forms and manifestations and their determination to combat this menace. There was commitment to promote and protect all human rights and fundamental freedoms. The Lahore spirit was however spoiled by Pakistan’s launching of a low intensity war during 1999 in Kargil.

3.5 Kashmir In The Aftermath Of The Kargil War

The main objective behind the decision to infiltrate in and around Kargil by Pakistan during 1999 was to internationalise the Kashmir issue and to revive militancy in the state. By the end of 1998 the political and security situation inside Jammu and Kashmir had improved considerably. Despite occasional violent events, life in Kashmir was returning to 'normal' after the 1996 elections. After nine years, cinema halls were re-opened for screening movies in Srinagar. Tourism was slowly revived and more than 100,000 tourists had visited Jammu and Kashmir by the end of August 1998 as compared to only 16,138 in the previous year.

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20 The South Asian Association for Regional Cooperation was established in 1986 for economic, political and regional cooperation between India, Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan and Mynmar.
By the end of September, 1998 the state government had received proposals for the investment in industrial sector. The Central government's efforts also contributed to restoring normal life in Kashmir and elections were conducted in 1996. In July 1998, the Central government announced an assistance of Rs.250 crores to help Jammu and Kashmir over its financial crunch. The nature of militancy in Kashmir was also undergoing through a change. After 1998-99, the majority of militants came from outside the region with support from Pakistan like Hizbollah, Hizbul Mujahideen and Harkat-ul-Ansar, Lashkar-i-Toiba, Al Badr and Jaish-i-Mohammed rather than from inside. The support of the local people to the terrorists was low by the end of August 1998. The changed nature of militancy in Jammu and Kashmir clearly indicated that the people were losing their faith in terrorism and violence as a means towards the resolution of the problem.

With normalcy returning to Jammu and Kashmir and militancy declining, Pakistan realised it was losing its grip on Kashmir. So, by Kargil intrusion Pakistan wanted to internationalise the Kashmir issue and to revive militancy in the state. Militancy had been revived in the aftermath of the Kargil war and people lost faith in the Farooq Abdullah government. The central government in the post-Kargil period was continuously refusing to begin any dialogue with Pakistan. It rejected the autonomy

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resolution passed by the Jammu and Kashmir State Legislative Assembly and did not provide any alternative framework.  

On the security side, situation became worse after Kargil war. The militants changed the method of warfare on two accounts: Firstly, there was a considerable increase in the use of improvised explosive devices that are more lethal than the conventional arms and secondly, there have been an increase in the ‘suicidal’ attacks by militant groups.

As far as the administration is concerned, the failure of the Farooq Abdullah government to fulfil its election promises gave rise to popular discontent. Apart from this, economic and political mismanagement of the administration coupled with increasing corruption had alienated the people from the national mainstream.

The Kargil crisis had a paradoxical impact on the secessionist movement in the valley. Pakistani withdrawal had a profoundly demoralising effect on the militants. The Kashmiri perception of ‘their protector buckling under international pressure without securing any reciprocal obligations to safeguard the Kashmiri interests’, confirmed their fear that Pakistan did not have the political will to take on India on the Kashmir issue. An All Party Hurriyat Conference (APHC) member leader remarked, ‘First we were excluded, then betrayed.’

Indian government’s approach of not crossing the Line of Control (LoC) won overwhelming international support. The G-8, a group of developed nations from Europe and America, held Pakistan responsible for the military confrontation in Kashmir, without naming it and asked Pakistan to withdraw its forces to the north of Line of  

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Control. The European Union publicly called for 'the immediate withdrawal of infiltrators'. The US also publicly depicted Pakistan as the 'instigator' and declared that 'it was for Pakistan to figure out how to restore the status quo ante.' President Clinton underlined the point that 'no progress was possible unless Pakistan pulled out its forces from the Indian zone of Kashmir.'

Amitabh Mattoo argues that international public opinion has shown a positive shift towards India since the Kargil war. There are four aspects of the manner in which the major powers responded to the events in Kargil. First there was widespread dismay at Pakistan's violation of the Line of Control and no important state was willing to accept Islamabad's assertion that the Kashmiri Mujahideen alone were responsible for the intrusion. Secondly, there was considerable support for India's restraint of not crossing the Line of Control or the international border and thus averting a full blown war. Thirdly, there were few supporters of Pakistan's Kashmir policy in the aftermath of the war and after the military coup in Pakistan. There was increasing international recognition that Pakistan was not just waging a proxy-war against India in Kashmir, but these militants could unleash terror even beyond South Asia. Finally, there seemed to be an awareness that granting the province the right of self-determination on the basis of UN Security Council resolutions would have disastrous consequences for the Indian subcontinent.

A new phase of political engagement between India and the United States began after the Kargil war. The United States seemed to be deeply disappointed by the Pakistani backed intrusion across the Line of Control and actively worked for a unilateral and

unconditional withdrawal of Pakistani forces. In the post-Kargil period therefore, there was greater receptivity to American suggestions that India should attempt to carve out a more sensitive and imaginative policy to win the hearts and minds of Kashmiri people.

3.6 India’s New Kashmir Policy

There have been developments in the state after nuclear tests in 1998; the 1999 Kargil war, military coup in Pakistan, changing nature of militancy inside the Kashmir, resuming the bilateral dialogue between India and Pakistan which have led to a shift in India’s policy on Kashmir issue. The initiation of the peace process in the post-Kargil era marks a turning point in the history of Jammu and Kashmir. It resulted in major policy changes towards the Kashmir issue at various levels. For the first time unilateral ceasefire was announced by the Indian security forces in 2000. This was the most significant expression of India’s new Kashmir policies. Unlike past, Government did not put forward any conditions to hold talks with separatist groups. Moreover there was no insistence of talks to be held within the Indian Constitutional framework. First time many leaders of APHC had shown willingness to enter into bilateral dialogue with India despite their earlier insistence of tripartite dialogue including Islamabad. Although negotiations with separatists were initiated before also like George Fernandes with Maulvi Farooq, Pilot with JKLF, S.B. Chavan with Babar Badr and several others. Many interlocutors of Central Government including K.C. Pant, Ram Jethmalani were also appointed to negotiate with separatist but this time
Central Government has provided a political platform to represent the people of all the regions as well as ethno-religious and linguistic communities.

The Roundtable Conferences

In February 2006, Prime Minister Manmohan Singh’s UPA Government invited the whole spectrum of political parties, separatist leaders and political groups for roundtable conference to collectively deliberate the state’s political future. In a significant departure from past practices of negotiating all accords such as Delhi Agreement (1952) and the Kashmir accord (1974), New Delhi has for the first time provided a political platform where all the regions as well as ethno-religious and linguistic communities can have a direct say in negotiating process. Second, the roundtable breaks new ground in establishing an integral linkage between federalizing the state structures at the centre-state and the intra-state levels. The UPA Government is pro-actively nudging various local stakeholders into collectively exploring the ways to bring the different regions in the state together while recognizing their distinct identities. Unlike past dialogues, in which a dominant political party in Srinagar only had to get Delhi “on its side,” the round table process requires local players to engage in coalition building by reconciling their divergent interests and perspectives on issues.

Working groups have been established by the second roundtable conference in May 2006 to improve the situation in J & K. Confidence building measures have been taken by the Government across different segments of the state to solve the problems of

the people affected by the militancy. Measures have been taken by the Government to simplify procedures to facilitate travel across the Line Of Control, to expand people to people contact and to open up new routes such as Kargil-Skardu etc. One of the working group will deliberate matters relating to the special status of J & K within the Indian Union, methods of strengthening democracy, secularism and the rule of law in the state; as well as effective devolution of power among different regions to meet regional, sub-regional and ethnic aspirations.

For the first time Indian Prime Minister Manmohan Singh visited Siachen, where he appealed to demilitarise the glacier from both India and Pakistan side. Pakistan also showed significant changes in its Kashmir policy as for the first time a Pakistan head of state publicly stated that military option cannot provide a solution to J & K problem and the persistent demand for implementation of UN resolution had been abundant. Pakistan is no longer insisting that the core issue of Kashmir should be settled before discussing any other issue. Pakistan government spoke of 'maximum self governance' as the key to resolve Kashmir issue and perceived that a solution of Kashmir issue was possible in a bilateral framework.

The Kargil war between India and Pakistan in 1999 had a paradoxical impact on the secessionist movement in the valley. Withdrawal of Pakistani forces from Kargil under International pressure had a demoralising effect on the militants. It confirmed the fear of militants that Pakistan did not have the Political will to take on India on the Kashmir issue. International public opinion has shown a positive shift in

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32 'India, Pakistan Take A Step Forward On Siachen', The Hindu, 14 June, 2005.
33 Mush and Kash', May 23, 2005, Editorial, The Indian Express
favour of India since the Kargil war. There was considerable support for India’s restraint of not crossing the Line Of Control and there was an increasing international recognition that Pakistan was not just waging a proxy-war against India in Kashmir but this terrorism might spread in whole Asia. Major international groups like G-8 and the European Union held Pakistan responsible for the military confrontation in Kashmir and called for the immediate withdrawal of the infiltrators. In the Post-Kargil period therefore there was greater international pressure on Pakistan to curb the terrorism in Kashmir.\textsuperscript{34}

After the September 9/11 attack on America in 2001 the international policies got hardened towards terrorism and there was a lot of pressure on Pakistan from U.S. side to curb terrorism. It resulted in inducing greater flexibility in the approach of Pakistan towards the Kashmir issue. Pakistan was pressurized to make sure that it should not facilitate any terrorist acts from Pakistan or from Kashmir against targets there.

A lot of significant developments took place in the state like local body elections took place in 2005 after more that two decades. There was a record participation of people in these elections. Sopore town, which was considered the bastion of pro-Pakistan separatist leader, Syed Ali Shah Geelani recorded 26% voter turnout. It was the town’s highest voter turnout in the last 15 years. These elections have given a boost to grass root level democracy.\textsuperscript{35}

\textsuperscript{34} Maleeha Lodhi, ‘Anatomy of a Debacle’, Newsline, July 1999, pp. 31-36.
Amitabh Mattoo, an eminent scholar argues that there are three elements in New Delhi’s new policy initiative towards Kashmir36: First, a move towards the isolation of forces perpetrating violence; second, a readiness to initiate negotiations with separatists; and finally, a willingness to re-engage in a composite dialogue.

3.6.1 Isolation of Forces Perpetrating Violence

On November 18, 2000 the then Indian Prime Minister Atal Bihari Vajpayee announced a unilateral ceasefire by the Indian security forces operating in Jammu and Kashmir for the month of Ramzan. This was the most significant expression of India’s new Kashmir policy. The announcement was greeted enthusiastically by all shades of public opinion in the valley. However, no parallel initiative was taken for long to initiate dialogue. Still this ceasefire was considered as an important move in reducing the alienation of the Kashmiri people.

It was argued that unilateral ceasefire would not only isolate forces who were perpetuating violence but would create conditions under which the Kashmiri people, rather than security forces would fight against those who are spreading terror and violence. The dominant belief was that even if the centre’s gesture continued to be non-reciprocal it had little to lose. It would become clear to the Kashmiri people and the international community that forces in Pakistan and separatist leadership in Kashmir alone is creating hurdles in between Kashmir and the end of violence.

Later the former Prime Minister of India, Mr. Atal Bihari Vajpayee, announced the government’s decision to extend the ceasefire beyond Ramzan, for a month till

36 Ibid.
Republic Day, 2001. He further announced ‘to initiate such exploratory steps as are considered necessary for a composite dialogue process with Pakistan.’

Within hours of extending the ceasefire by India, Pakistan announced a partial withdrawal of its troops on the LoC and urged India to reciprocate. The Hizbul Mujahideen deemed the extension a ‘futile exercise’ unless India was prepared to follow it up with concrete steps towards resolution of the Kashmir problem.37

On February 23, 2001, the centre formally announced its decision to extend the ceasefire in Jammu and Kashmir by three more months. Former Prime Minister Atal Bihari Vajpayee announced in the Lok Sabha that the government had decided to pursue this path by initiating talks with various groups in the state. Pakistan denounced this extension and said that ‘it was yet another attempt to mislead the world opinion’ and urged India to realise ‘the futility of its effort’ to impose a military solution on Kashmir.

On March 15, 2001, the UN Secretary General Kofi Annan arrived in New Delhi and urged both India and Pakistan to work within the framework of the Lahore Declaration for the peaceful solution of the Kashmir problem. He declared that UN resolution on Kashmir does not hold and the dispute should be resolved bilaterally.38

3.6.2 Initiation of a Dialogue with Separatists

Centre has indicated its willingness to speak to any Kashmiri group or militant organization. Unlike the past, this time no conditions were put forward for talk and there was no suggestion that these talks had to be within the framework of the Indian Constitution. Former Prime Minister Atal Bihari Vajpayee said the possibilities of peace

38 Ibid.
should be explored, not within the codified limits of a legal document but within the bounds of humanism.

Many of the leaders of the umbrella separatist organization, the All Party Hurriyat Conference (APHC), have shown willingness to enter into bilateral dialogue with India despite their earlier insistence on tripartite dialogue that would involve Islamabad as well.

Many committees and commissions have been set up to facilitate this process. On April 6, 2001, the Vajpayee government nominated the former Planning Commission Deputy Chairman, K. C. Pant as its representative to hold a broad based dialogue with all Kashmiri groups. The centre invited all Kashmiri militant organizations and the Hurriyat Conference for a dialogue without any pre-conditions. This mission could not gain any significant success as Hurriyat was insisting that there should be a trilateral dialogue including India, Pakistan and Hurriyat. This was ruled out by Indian government as for any solution of Kashmir problem, views of different groups in Kashmir valley and Jammu and Ladakh have to be also taken into account.39

Later a Kashmir Committee was constituted under Mr. Ramjethmalani's chairmanship. It expressed satisfaction over its talks with the Hurriyat and Shabir Ahmed Shah during its visit to Kashmir. It offered to arrange their meeting with the top leaders of the government of India. In a joint declaration the Kashmir Committee and the Democratic Freedom Party under Shabbir Ahmed agreed to work together towards three specific goals: Firstly, creating conditions conducive to talks which will include release of political prisoners, secondly, initiating an intra-Kashmir dialogue as well as talks

between the Kashmir Committee and its Pakistani counterpart and thirdly ensuring rehabilitation of Kashmiri migrants.\footnote{Ibid.}

The APHC discussed the changing scenario in the state with the Kashmir Committee and favoured to continue talks with the committee in future. All those separatists who were hesitant to talk to New Delhi believing that they would lose their credibility, are now responding more positively than before.

3.6.3 Willingness to Re-engage with Pakistan

Indian government signalled more clearly than ever before, that India was willing to re-engage with Pakistan if it could take concrete measures for dialogue under the Shimla Agreement and the Lahore Declaration. In addition, Indian government indicated that it would initiate exploratory steps so that a composite dialogue with the Pakistan government could resume. On October 22, 2003, India announced a 12-point Confidence Building Proposal to Pakistan as follows:\footnote{India and Pakistan Peace Proposals, Strategic Digest, Vol. 33, No.11, November 2003. p.1188.}

1) Restoration of cricketing and other sporting links;

2) Launching of a bus service between Srinagar and Muzaffarabad in Pak-Occupied Kashmir;

3) Holding of second round of talks for restoration of air links and over flights;

4) Discuss resumption of rail links after aviation talks and increasing the capacity of Delhi-Lahore bus service;

5) Setting up of links between the coast guards of the two countries on the pattern of Director Generals of military operations;
6) Stop arresting of fishermen within certain specified areas in the Arabian Sea;
7) Issue visas in cities other than New Delhi and Islamabad;
8) Permit citizens above 65 years to cross the Wagah Border on foot;
9) Launching of ferry service between Mumbai and Karachi;
10) Bus or rail link between Khokrapar in Rajasthan Munnabao in Pakistan’s Sindh province;
11) Re-medical treatment for 20 more ailing Pakistani children in India; and
12) Mutual increase in the staff strength of respective High Commissions in New Delhi and Islamabad.

Pakistan responded positively on some of the proposals, but attached delaying conditions to the others. During the visit of former Prime Minister Atal Bihari Vajpayee to attend the SAARC summit, both countries issued a joint statement to promote progress towards the common objectives of peace, security and economic development.42

Both leaders welcomed the recent steps taken towards normalisation of relations between the two countries and expressed the hope that the positive trends set by the confidence building measures would be consolidated. The foreign secretaries of India and Pakistan during their meeting in Islamabad on February 18, 2004, also agreed to approach the composite dialogue with sincerity and to arrive at a peaceful settlement of all bilateral issues including Jammu and Kashmir.

They agreed to the following schedule of meetings43:

1) Foreign Secretaries would meet in May-June 2004 for talks on peace and security including confidence building measures and Jammu and Kashmir.

2) Talks on Siachen; Wullar Barrage/Tulbul Navigation Project; Sir Creek; terrorism and drug trafficking; economic and commercial cooperation and promotion of friendly exchanges in various fields would be held in July 2004.

3) Expert level talks on nuclear CBMs in May 2004.

4) Committee on drug trafficking and smuggling will meet in June 2004.

5) Meeting between Director General Pakistan Rangers and Inspector General Border Security Force will be in March-April 2004.

6) The foreign minister of Pakistan and the external affairs minister of India would meet in August 2004 to review overall progress.

Pakistan President General Musharraf spoke of 'maximum self governance as the key to resolve the Kashmir issue. In April 2005, during his visit for one day cricket match between India and Pakistan he had observed that he would like to see more buses run across the LoC in Kashmir, so that it eventually becomes a soft border. At the same time, he told a Pakistani television interlocutor that a 'made in India' solution was not acceptable to Pakistan.44

By his positive remarks, it appeared that President Musharraf was conscious that a moment of reconciliation has come, which should be seized by both countries. Secondly, he appeared more sensitive to India’s position that no solution with a religious basis is acceptable. Thirdly, he perceives the possible solution within a bilateral framework. At the same time his obsession with the Kashmir issue also

indicated how closely he associates the issue with his own political survival and future.\(^{45}\)

Recently General Musharraf has proposed to divide the state into seven regions and each region should be given a choice whether they want to stay with India or Pakistan on the basis of their ethnic or linguistic affinities. Regions should be divided as follows\(^{46}:\)

- Buddhists dominated Leh, Shia dominated Kargil, Kashmir valley, Hindu dominated Jammu, Kathua and parts of Udhampur districts, Muslim dominated Rajouri, Poonch and Doda districts, Pakistan occupied Kashmir and Gilgit, Baltistan.

This theory overrides the old argument that Jammu and Kashmir being a Muslim majority state should be a part of Pakistan. This is the first time that any Pakistani ruler has admitted that the status of northern areas - Gilgit, Skardu and Baltistan need to be determined. Indian government responded to this proposal by saying that Jammu and Kashmir issue cannot be discussed through the media and for any proposal there should be bilateral talks.\(^{47}\)

Ever since Vajpayee government’s gesture of extending a hand of friendship to Pakistan in April 2003, there has been a national consensus, specifically across the political divide on the need to work systematically towards peace in the Jammu and Kashmir by entering into a dialogue with Pakistan on the Kashmir problem.

During Prime Minister Manmohan Singh’s visit to Jammu and Kashmir in October 2004, he had defined four elements in the Centre’s thinking on Kashmir

\(^{45}\) Ibid.
\(^{46}\) "Will Divided Jammu And Kashmir Stand?" October 27, 2004, Editorial, The Times Of India.
\(^{47}\) Ibid.
issue. First, a return to the pre-1953 within the state is not unthinkable, though there can be no roll back of the extension of the jurisdiction of the Supreme Court, Election Commission, Comptroller and Auditor General and Attorney General. Second, the Hurriyat will have to demonstrate a greater degree of autonomy of thinking and behaviour, if this conglomerate wants to be taken seriously as a voice of the separatist sentiment.

Third, Pakistan would have to understand what is acceptable and what is not acceptable to India. He said, "Firstly there can be no redrawing of international boundaries and secondly, there can be no realigning of regions which would smack of a communal dimension. Within these two parameters everything can be discussed."

India will keep an open mind and will talk to anyone 'in and out of the political system' having a point of view on how to bring peace. India should be willing to consider the same level of autonomy to Jammu and Kashmir that would be allowed by Pakistan to its part of Kashmir. Reciprocal autonomy, open borders and free interaction would create the ambience of a borderless world in which the quest for a Kashmir identity can be accommodated.

Fourth, the next big step in Jammu and Kashmir has to be extension of democracy down to the panchayat level and thus creating a constituency for good governance. He further said that all these elements are part of a process whose outcome no one can possibly hope to control.

The process of restoration of democracy in Kashmir's context calls for a multilayered dialogue at regional, national and international levels. The state assembly elections 2002 have opened a new window of opportunity for peace in the

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troubled Jammu and Kashmir state. The main task before the Congress-PDP alliance is to first make peace with the people of Jammu and Kashmir before the negotiations with Pakistan could yield any breakthrough. ⁴⁹


The elections held in September-October 2002 for the state assembly of Jammu and Kashmir were different from the earlier ones. These elections had attracted international attention and the entire world watched keenly how the people of Jammu and Kashmir respond to these.

The Chief Election Commissioner, J. M. Lyngdoh declared much before the elections that no coercive measures would be used by the security forces to force voters to exercise their franchise and full security measures would be taken to ensure protection for the voters. ⁵⁰

For the first time the voters in Jammu and Kashmir identified themselves through the voters' identity cards or any other identity cards. The Election Commission also issued special passes to the 28 foreign diplomats to visit the valley during the elections. Though the Hurriyat asked the people to boycott the elections, unlike earlier times it did not carry its mass campaign for persuading people not to

⁵⁰ In a direct appeal to the electorate, Lyngdoh stated that "none of you who does not wish to vote is to be forced to do so. But, there are many of you, going by the media coverage of election fest, who wish to vote, despite the needless bloodshed and tribulation, you've been through", September 16, 2002, The Indian Express.
vote. The general level of participation was also quite high. According to a survey conducted by the Centre for the Study of Developing societies and the Department of Political Science, the assembly elections of 2002 can be considered as the fairest of all elections when compared to other elections in the state.

Furthermore, a separate survey of a cross section of the electorate conducted by CSDS revealed that the level of popular enthusiasm and participation in the state was higher than that for the rest of India. The people of Jammu and Kashmir took more interest in these elections than an average citizen in the rest of the country took for the last two parliamentary elections.

The assembly elections of 2002 also proved to be historic as it was much more competitive than any election before. For the first time in the electoral history of the state all the three regions of the state had real and intense party competition. More specifically, it was the valley of Kashmir that witnessed more fierce competition between the National Conference and the People’s Democratic Party than in 1998.

The National Conference secured the highest percentage of votes polled in the Jammu as well as the Kashmir valley with 28.23% and 35.6% respectively. The PDP secured the second highest percentage of votes in the valley with 24.52%. It could not perform well in the Jammu region and the share of its voters reduced to 9.04%. The Congress secured 24.25% of the total votes and emerged as the second largest party in the state. One of the peculiar features of this election was the success of a large number of independent candidates. On the whole, 15 independents were elected with

53 Ibid.
a 21.03% of the total votes. The hallmark of these elections was an end to Abdullah’s dynastic rule. After twenty-seven years of one-party rule, people voted the National Conference out of power. Farooq Abdullah’s government failed to deliver any of its promises on which it won the 1996 elections. The anti-incumbency factor rooted in sheer lack of governance was thus a key issue in the assembly elections. The popular slogan that ‘we want azadi, azadi first from the National Conference government’ captured the public mood.54

One of the major reasons for alienation in Kashmir has been the absence of interactive politics. Due to the hegemony of the ruling party there has been almost no role of the opposition within the mainstream politics. Within Kashmir there has been virtually a complete control of the National Conference. The hegemonic role of the ruling party has had dangerous implications for democratic politics of the valley. During the debacle of 1987 politics, the collapse of this hegemonic party led to the collapse of the whole mainstream politics.

So the most crucial development related to the 2002 election has been a break in the hegemonic role of the National Conference within the valley due to the emergence of another regional force, the People’s Democratic Party. For the first time in Kashmir’s democratic politics, the National Conference has been faced with a secular oppositional force. A competitive spirit was generated that had the effect of reinvigorating the whole electoral politics of Kashmir.55

Unlike the past when no democratic choices were available to the electorate due to lack of competition, this time not only PDP and National Conference but other political parties were also involved. Now the National Conference’s role as a leading

54 Ibid.
55 Ibid. p. 45.
opposition party in the state can help in meeting the challenge of separatism. Being the largest party of the state, it can effectively bring all those issues which were raised from the separatists due to absence of such an opposition. Already it is in the process of engaging the ruling coalition in such issues. Earlier such institutional politics came to be sidelined because the crucial issues concerning the people of Kashmir could not be articulated and expressed through this channel.⁵⁶

These elections have restored the legitimacy of the government that was lost since 1987. After the 1987 assembly election there has been a perennial crisis of legitimacy for the ruling party. The newly formed government has sufficient scope for enlargeing the mainstream democratic politics. PDP led government has sufficient potential for reversing the political trends that got reflected after 1987.

Congress – PDP alliance with the support of minor parties released the Common Minimum Programme (CMP) for the governance of state. It included important resolutions like⁵⁷:

1) The removal of the controversial Prevention of Terrorism Act (POTA);

2) The disbanding of the Jammu and Kashmir Police Special Operations Group (SOG);

3) The release of prisoners charged with militancy related offences;

4) A probe into all custodial deaths and violations of human rights by the security forces and strengthening the State Human Rights Commission;

5) The establishment of an Ehtisab (Committee) to enquire into complaints against government officials;

⁵⁶ Ibid.
6) The granting of financial aid to victims of militancy;
7) Cooperation with the Government of India to curb cross-border militancy from Pakistan;
8) The return of all Kashmiri Hindus or Pandits to the valley following their exodus in 1990; and
9) The establishment of a State Finance Committee to ensure the equal development of its three main regions and to specifically address claims of neglect by Jammu and Ladakh.

3.8 Conclusion

The initiation of the peace process in the post-Kargil era marks a turning point in the history of Jammu and Kashmir. It resulted in major policy changes towards the Kashmir issue at various levels. 2002 elections have introduced a new era of competitive politics, especially in the region of Kashmir. It has given a sense of participation to the people which they never had in earlier elections. The emergence of coalition politics is a positive development for the state, as it provides a greater sense of participation to the diverse political actors within the state. More specifically, it takes care of the feelings of political deprivation among the political elite at the regional and sub-regional levels.

There is now sufficient ground for the Government of India to initiate the promised process of dialogue with different political actors including the separatists. The process of engaging the separatists at this juncture would certainly help in creating an environment in which possibility for long-term peace will be ensured.